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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVN. APPLICATION NO. 27 OF 2007

Noor Mohammed Mehboob Qureshi ... Applicant

V/s

The State of Maharashtra & anr. ... Respondents

Mr. A.Q. Ansari for the applicant.

Mrs. M.M. Deshmukh, A.G.P. for the State.

CORAM: S. B. MHASE &
SMT. NISHITA MHATRE, JJ.

DATED: 22ND FEBRUARY, 2007.

P.C.:

1. Heard both sides.

2. The interim alimony at the rate of Rs.1,000/- in a proceeding under Section 125 of the Criminal Procedure Code has been granted by order dated 28.9.2006 by the Family Court No.4, Bandra, Mumbai. The same is being challenged by filing this revision.

3. We have perused the record. No evidence has been produced about income by the husband and the best possible evidence is in the custody of the husband and,

therefore, husband should have produced the same. As against that, the wife has stated on oath that the income of the husband is Rs.8,000/- and relying upon that statement, the order of Rs.1,000/- has been passed. It is an interim order passed by the Family Court to support the wife who is thrown away from the family and deserted by the husband. No interference is called for. Revision application is rejected.

(SMT. NISHITA MHATRE, J.) (S.B. MHASE, J.)